

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 Days Inns Worldwide Incorporated,) No. CIV 11-8089-PCT-DKD
10 Petitioner,)
11 vs.) **ORDER**
12 Hotel Capital Partners XV, LLC,)
13 Respondent.)
14

15 Before the Court is Petitioner Days Inns Worldwide, Inc.’s (“DIW”) Motion for Entry
16 of Final Judgment Confirming Arbitration Award (Doc. 11). On September 19, 2011, the
17 Magistrate Judge filed a Report and Recommendations with this Court (Doc. 13). To date, no
18 objections have been filed.

19 **STANDARD OF REVIEW**

20 When reviewing a Magistrate Judge’s Report and Recommendations, this Court must
21 “make a de novo determination of those portions of the report . . . to which objection is made,”
22 and “may accept, reject, or modify, in whole or in part, the findings or recommendations made
23 by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also Baxter v. Sullivan, 923 F.2d 1391,
24 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir.
25 1983)). Failure to object to a Magistrate Judge’s recommendation relieves the Court of
26 conducting de novo review of the Magistrate Judge’s factual findings; the Court then may
27 decide the dispositive motion on the applicable law. Orand v. United States, 602 F.2d 207, 208
28 (9th Cir. 1979) (citing Campbell v. United States Dist. Court, 501 F.2d 196 (9th Cir. 1974)).

1 By failing to object to a Report and Recommendations, a party waives its right to
2 challenge the Magistrate Judge's factual findings, but not necessarily the Magistrate Judge's
3 legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455 (9th
4 Cir. 1998) (failure to object to a Magistrate Judge's legal conclusion "is a factor to be weighed
5 in considering the propriety of finding waiver of an issue on appeal"); Martinez v. Ylst, 951
6 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187 (9th Cir.
7 1980)).

8 DISCUSSION

9 Having reviewed the Report and Recommendations of the Magistrate Judge, and no
10 Objections having been made by any party thereto, the Court hereby incorporates and adopts
11 the Magistrate Judge's Report and Recommendations.

12 CONCLUSION

13 For the reasons set forth,

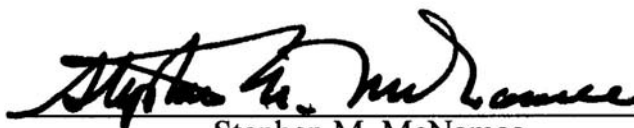
14 **IT IS ORDERED** that the Court adopts the Report and Recommendations of the
15 Magistrate Judge (Doc. 13).

16 **IT IS FURTHER ORDERED GRANTING** Petitioner Days Inns Worldwide, Inc.'s
17 Motion for Entry of Order and Final Judgment to Confirm Arbitration Award. (Doc. 11.)

18 **IT IS FURTHER ORDERED** that the Court confirms the Arbitration Award entered
19 by the American Arbitration Association arbitrator on February 8, 2011 in favor of Petitioner
20 Days Inns Worldwide, Inc. and against Hotel Capital Partners XV, LLC.

21 **IT IS FURTHER ORDERED** that the Court enters Final Judgment in favor of
22 Petitioner Days Inns Worldwide, Inc. and against Hotel Capital Partners XV, LLC in the total
23 amount of \$103,180.66.

24 DATED this 14th day of October, 2011.

25
26 

27 Stephen M. McNamee
28 United States District Judge